Remarks

The present paper is in response to the Office Action mailed in the above-referenced case on June 05, 2003. In the action claims 1-25 are presented for examination. Claims 1-11 and 13-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Horbal, (US 6,112,246), hereinafter Horbal, in view of Sandelman (US 6,160,477) hereinafter Sandelman. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horbal in view of Sandelman.

In response to the Examiner's rejections and statements, applicant herein amends some of the base claims to more particularly recite limitations which define the control unit's autonomy when monitoring and controlling connected appliances. Claims 24 and 25 are herein cancelled.

Applicant argues that the art presented by the Examiner does not combine to provide a Prima Facie Section 103(a) case against the standing claims, as amended. Applicant's amendments and arguments below patentably distinguish applicant's claimed invention over the prior art of Horbal and Sandelman. Regarding claims 1, 5, 9, 14 and 17, applicant herein amends the claims to positively recite that the control units store the received step sequences in memory and access the memory to monitor and operate the connected appliances.

Applicant argues that Horbal teaches, in Fig. 3, a remote thermostat device (temp sensor) 300, equipped with a microserver 302, labeled *u*server. Column 3, lines 27-39 teach that the temp sensor 300 contains OEM code 308 that performs the actual control functions of the temp sensor 300 and the software of microserver 302, which communicated with network clients. Applicant points out that in order to actually change the set point of the thermostat the user initiates the command from the workstation (col. 3, lines 53-61). Applicant argues that in the art of Horbal, the microserver or *u*server cannot actually change control functions of a connected appliance without being connected to, and receiving real time initiation from a workstation or remote device other than the OEM code 308 and the microserver 302.

Applicant believes the claims as amended with the newly added limitation of the ability to receive a step sequence from a remote source, characterized in that, with connections made only between the wiring interface and the controlled appliance, the microcontroller generates outputs to operate the appliance according to the stored step sequence.

Applicant argues that Horbal teaches that the connected client's workstation may change a thermostat setting. The microserver of Horbal does not have the ability to change the thermostat setting of device 300 in response to monitoring a sensor without initiation from the connected workstation. Applicant's claim 1 specifically claims that the microcontroller of the control unit generates outputs to operate the appliance according to the step sequence received. Applicant argues that the step sequence, as disclosed in applicant's specification, could be a broad program code to make sure the temperature is maintained between 50 and 60 degrees, for example. In applicant's invention the control unit, connected to the appliance, monitors and generates the commands to change the thermostat setting in order to stay within the parameters received from the remote server. Horbal and Sandelman fail to disclose the functional ability to change operation of an appliance via received information from a remote server at a connected control unit.

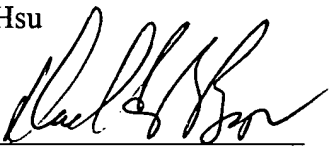
Applicant provides a control unit modularly installed and married to existing home- automation systems and single home-appliances without requiring a system of constantly connected computer control equipment, as in Horbal Such a system would enable an appliance to be controlled according to a stored step sequence even if the connection to a Web page or workstation were severed.

Applicant's claimed control unit includes **all** of the functionality required to control and monitor an appliance. In applicant's invention all of the functionality is in the control unit itself. Applicant acknowledges that there may be sensors on the appliances, but all of the control intelligence resides in the control unit, as received and stored from the remote server. Horbal and Sandelman fail to teach or suggest such a unit.

Applicant believes claims 1, 5, 9, 14, and 17 are patentable as amended and argued above. Claims 2-4, 6-8, 10-13, 15-16, and 18-23 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims as amended are patentable to the Applicant over the art of record, the Applicant respectfully requests reconsideration and that the case be passed quickly to issue. If there are any extensions of time required beyond any extension specifically petitioned and paid with this response, such extensions are hereby requested. If there are any fees due beyond any fees paid by check with this response, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully,
George Hsu

by 
Donald R. Boys
Reg. No. 35,074

Donald R. Boys
Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457